Intitulé : MINISTERIËLE REGELING ter uitvoering van artikel 10 van de Luchtvaartverordening (AB 1989 no. GT 58)

Citeertitel: Regeling vluchtuitvoering

Vindplaats : AB 2000 no. 85

Wijzigingen: Geen

Artikel 1

In deze regeling wordt verstaan onder:

algemene vlucht	: vlucht, niet zijnde een commerciële vlucht;
een AOC	: een door of vanwege de Minister aan een onderneming of groep van ondernemingen afgegeven document waarin wordt verklaard, dat de betrokken luchtvaartexploitant beschikt over de beroepsbekwaamheid en organisatie om luchtvaartuigen veilig te exploiteren ten aanzien van de in dat document gespecificeerde luchtvaartactiviteiten;
commerciële vlucht	: vlucht tegen vergoeding met personen, dieren, goederen of post, niet zijnde luchtwerk;
luchtwerk	: een vlucht tegen vergoeding ten behoeve van speciale diensten;
de directeur	: de Directeur van de Directie luchtvaart;
helikopter	: luchtvaartuig, zwaarder dan lucht, zonder vleugels en voorzien van een voortstuwingsinrichting, bestemd voor de burgerluchtvaart;
houder	: houder van een krachtens deze regeling afgegeven AOC;
het JAA	: het op 11 september 1990 op Cyprus gesloten samenwerkingsverband tussen Europese luchtvaartautoriteiten;
JAR	: de door de Verenigde Europese luchtvaartautoriteiten uitgegeven verzameling voorschriften op luchtvaartgebied;
JAR-AWO	: JAR met betrekking tot het vliegen onder verschillende weersomstandigheden;
JAR-1	: de begripsomschrijvingen, gebruikt ten behoeve van de JAR;
JAR-OPS	: JAR-OPS 1 en JAR-OPS 3;
JAR-OPS 1	: JAR met betrekking tot commerciële vluchten door vliegtuigen;
JAR-OPS 3	: JAR met betrekking tot commerciële vluchten door helikopters;
de landsverordening	: de Luchtvaartverordening (AB 1989 no. GT 58);
lid van het cabinepersoneel	: lid van het boordpersoneel, niet zijnde het cockpitpersoneel;
de Minister	: de minister van Vervoer en Communicatie;
MOA	: erkenning ten behoeve van het onderhoud van vliegtuigen, helikopters en luchtschepen, dan wel onderdelen daarvan, als bedoeld in de Regeling luchtwaardigheid (AB 1995 no.

71);

MTOM	: maximum startgewicht;
privévlucht	: vlucht, niet zijnde een commerciële vlucht, luchtwerk of een rondvlucht;
rondvlucht	: vlucht van ten hoogste één uur, waarbij start en landing op dezelfde luchthaven plaatsvinden;
vliegtuig	: luchtvaartuig, zwaarder dan lucht, voorzien van vleugels en een voortstuwingsinrichting, bestemd voor de burgerluchtvaart.

2. Op de onderhavige regeling is JAR-1 van toepassing met inachtneming van de in bijlage A bij deze regeling daarop gegeven aanvullingen.

3. JAR-OPS 1 en JAR-AWO zijn van toepassing met de in bijlage B bij deze regeling daarop gegeven aanvullingen.

4. JAR-OPS 3 is van toepassing met de in bijlage C van deze regeling daarop gegeven aanvullingen.

5. De bij deze regeling gegeven voorschriften zijn van toepassing op burgerluchtvaartuigen.

6. De bij deze regeling gegeven voorschriften zijn niet van toepassing op vluchtuitvoeringen ten behoeve van douane- of politiedoeleinden.

Hoofdstuk II Aanvraag voor een AOC, verlenging en wijziging

Artikel 2

1. Vluchten tegen vergoeding worden slecht uitgevoerd, nadat daarvoor door de Minister een AOC is verstrekt.

2. Een AOC kan op verzoek worden verstrekt aan een luchtvaartmaatschappij die in het bezit is van een vergunning als bedoeld in artikel 13 van de landsverordening, en die:

a. de hoofdvestiging of statutaire zetel in Aruba heeft;
b. haar vliegtuigen of helikopters die onder het aangevraagde AOC vallen, in het Arubaans register voor luchtvaartuigen heeft doen inschrijven;
c. aantoont dat een veilige vluchtuitvoering is gewaarborgd; en
d. niet in het bezit is van een door de bevoegde autoriteiten van een ander land afgegeven AOC.

3. Het verzoek, bedoeld in het tweede lid, bevat ten minste:

a. de naam en het adres van de verzoeker;
b. alle relevante gegevens over de aard van het te verrichten vervoer;
c. een aanduiding van de gebieden waarin vluchten zullen worden uitgevoerd;
d. een aanduiding van het type of van de typen luchtvaartuigen waarmee de vluchten zullen worden uitgevoerd;
e. de datum waarop met de vluchten wordt aangevangen;
f. in voorkomende gevallen, een aanduiding van de voorschriften van JAR-OPS, bedoeld in artikel 6, tweede lid.

4. Indien een verzoek geheel of gedeeltelijk is gebaseerd op het voldoen aan bepaalde voorschriften van JAR-OPS in overeenstemming met artikel 6, tweede lid, bevat het verzoek tevens de gegevens, bedoeld in artikel JAR-OPS 1.185 dan wel artikel JAR-OPS 3.185, voor zover deze zijn vereist voor de beoordeling of aan de voorschriften van JAR-OPS wordt voldaan.

5. De Minister kan ontheffing verlenen van het vereiste, bedoeld in het tweede lid, onderdeel b, indien wordt aangetoond dat het luchtvaartuig voldoet aan de veiligheidsnormen die in Aruba van kracht

zijn.

6. Een AOC vervalt, indien de vergunning, bedoeld in het tweede lid, vervalt of wordt ingetrokken.

Artikel 3

1. Aan de afgifte van een AOC kunnen voorwaarden worden verbonden.

2. De voorwaarden, bedoeld in het eerste lid, worden geacht onderdeel uit te maken van het AOC.

3. In de voorwaarden wordt steeds opgenomen dat de Minister de houder aanwijzingen kan geven met betrekking tot de vluchtuitvoering.

Artikel 4

1. Een AOC wordt verstrekt voor de daarin vastgestelde termijn.

2. De termijn, bedoeld in het eerste lid, kan op verzoek van de houder worden verlengd. Het verzoek wordt gedaan uiterlijk een maand, doch niet eerder dan zes maanden vóór het verstrijken van de termijn, en gericht tot de Minister.

3. Een verzoek om verlenging bevat de gegevens, opgenomen in artikel 2, derde lid.

4. Artikel 2, vierde lid, is van overeenkomstige toepassing.

Artikel 5

1. Een AOC kan door de Minister worden gewijzigd:

a. op verzoek van de houder; of

b. ambtshalve, indien:

1°. het AOC geheel of gedeeltelijk is verstrekt op basis van onjuiste gegevens;

2°. voorlopige intrekking of intrekking van het AOC krachtens de artikelen 9 en 10 naar het oordeel van de Minister mogelijk, maar niet noodzakelijk is.

2. Bij een verzoek, bedoeld in het eerste lid, onderdeel a, worden de gegevens verstrekt, bedoeld in artikel 2, derde lid, alsmede de datum waarop de gewenste wijziging van kracht moet worden. Ten aanzien van de gegevens, bedoeld in artikel 2, derde lid, onderdelen b, c, d en f, kan worden volstaan met een aanduiding van de gewenste wijzigingen.

3. Artikel 2, vierde lid, is van overeenkomstige toepassing.

4. Van een ambtshalve wijziging van een AOC wordt aan de houder daarvan bij aangetekend schrijven mededeling gedaan; de mededeling is met redenen omkleed.

Hoofdstuk III Beoordeling

Artikel 6

1. Een AOC wordt slechts verleend, indien veilig luchtverkeer is gewaarborgd.

2. Voor de beoordeling van de vraag of het luchtvervoer op veilige wijze zal worden verricht, wordt door de verzoeker, bedoeld in artikel 2, tweede lid, aangetoond dat hij de hem bij of krachtens JAR-OPS en de Regeling luchtwaardigheid (AB 1995 no. 71) opgelegde verplichtingen nakomt.

3. De verzoeker toont aan op zodanige wijze te voldoen aan de verplichtingen, bedoeld in het eerste lid, dat:

a. de bekwaamheid van de bemanningen is verzekerd;
b. een stelsel van aanwijzingen en gegevens beschikbaar is, dat bij toepassing door de bemanning leidt tot een veilige vluchtuitvoering;
c. de luchtwaardigheid van de te gebruiken luchtvaartuigen is verzekerd.

Artikel 7

De Minister geeft op het verzoek, bedoeld in artikel 2, tweede lid, een AOC af, indien de verzoeker:
a. in het bezit is van een exploitatievergunning, afgegeven krachtens de Regeling luchtvervoer (AB 2000 no. 86);
b. voor de vliegtuigen waarmee vluchten tegen vergoeding worden uitgevoerd, beschikt over geldige bewijzen van luchtwaardigheid of bewijzen van overeenstemming als bedoeld in de Regeling Luchtwaardigheid, dan wel over een bewijs van luchtwaardigheid, afgegeven door de bevoegde autoriteit van een ander land;
c. beschikt over een kwaliteitssysteem, bedoeld in JAR-OPS 1.035 en 3.035;
d. beschikt over een onderhoudssysteem, bedoeld in JAR-OPS, delen M en C;
e. beschikt over een managementorganisatie, bedoeld in de JAR-OPS;
f. voldoet aan de eisen ten aanzien van de leden van het boordpersoneel, die aansluiten bij de aard van de vluchtuitvoering, bedoeld in JAR-OPS, delen N en O;
g. verzekert dat de vluchten worden uitgevoerd in overeenstemming met het handboek vluchtuitvoering, bedoeld in JAR-OPS, delen B, D en P;
h. aan de directeur ter goedkeuring een exemplaar wordt verstrekt van het handboek vluchtuitvoering, met inbegrip van alle wijzigingen daarvan, dat voldoet aan JAR-OPS, deel P;
i. beschikt over grondafhandelingsfaciliteiten die voldoen aan door de Minister daaromtrent gegeven aanwijzingen;
j. beschikt over operationele en onderhoudsondersteuningsfaciliteiten op de vestigingsplaats, die zijn afgestemd op de aard van de vluchtuitvoering;
k. zorgt voor de uitrusting van de vliegtuigen overeenkomstig de eisen die zijn vervat in JAR-OPS, delen K en L;
l. zeggenschap heeft over de te gebruiken luchtvaartuigen;
m. voldoet aan de aanwijzingen van de Minister.

Artikel 8

In een AOC en de daarbij behorende stukken staan in ieder geval steeds de volgende gegevens vermeld:
a. de datum waarop de geldigheid daarvan verloopt;
b. de daaraan verbonden voorwaarden;
c. de gegevens, bedoeld in artikel 2, derde lid.

Hoofdstuk IV Intrekking van een AOC, ontheffing

Artikel 9

1. De directeur kan een AOC geheel of gedeeltelijk voorlopig intrekken, indien:
a. een of meer van de voorwaarden of aanwijzingen, bedoeld in artikel 3, worden overtreden;
b. een of meer voorschriften van deze regeling worden overtreden dan

wel de voorschriften als vervat in de bij deze regeling gegeven bijlagen;
c. ter verkrijging van het AOC onjuiste gegevens zijn verstrekt.

2. Van de voorlopige intrekking wordt door de directeur bij aangetekend schrijven gemotiveerd mededeling gedaan aan de houder.

3. De voorlopige intrekking kan door de directeur worden opgeheven, nadat de oorzaak van de voorlopige intrekking is opgeheven.

Artikel 10

1. De Minister kan een AOC intrekken, indien:
a. de houder daarvan daarom verzoekt;
b. gedurende een aaneengesloten periode van ten minste twaalf maanden of een kortere periode, vastgesteld in de voorwaarden bij het AOC, geen vluchten zijn uitgevoerd;
c. indien sprake is van een van de gevallen als bedoeld in artikel 9, eerste lid, onderdelen a tot en met c.

2. Van de intrekking wordt door de Minister bij aangetekend schrijven gemotiveerd mededeling gedaan aan de houder.

3. De houder zendt het AOC in geval van intrekking binnen veertien dagen na de datum van intrekking aan de Minister.

Artikel 11

1. Door de Minister kan in bijzondere omstandigheden op schriftelijk verzoek van de houder ontheffing worden verleend van een of meer verplichtingen, opgelegd bij of krachtens deze regeling, indien nakoming daarvan in redelijkheid niet van de houder kan worden verwacht en de veiligheid van het luchtverkeer daarmee niet in gevaar kan worden gebracht.

2. Een ontheffing wordt schriftelijk verleend onder de daarbij gegeven voorwaarden en voor een daarbij bepaalde termijn.

3. Een ontheffing wordt door de Minister ingetrokken, indien:
a. door de ontheffing de veiligheid van het luchtverkeer in gevaar kan worden gebracht;
b. de reden waarom de ontheffing is verleend, is ontvallen;
c. de voorwaarden, bedoeld in het tweede lid, worden overtreden.

Hoofdstuk V Slotbepalingen

Artikel 12

Artikel 2 van de Regeling brevettering en vluchtuitvoering (AB 1995 no. 73), alsmede de daarin genoemde bijlagen bij die regeling worden ingetrokken.

Artikel 13

1. Deze regeling treedt in werking met ingang van de dag na die van haar plaatsing in het Afkondigingsblad van Aruba.

2. Zij kan worden aangehaald als Regeling vluchtuitvoering.

BIJLAGE A

BEGRIPSBEPALINGEN IN
AANVULLING OP JAR-1

Small operators	: operators with their largest aircraft capacity not exceeding 20 seats and their largest aircraft maximum Take-off mass being less than 10 tonnes;
Very small scale of operation	: operation conducted by operators who employ 5 or less full time staff;
Small scale of operation	: operations conducted by operators who employ 6 up to and including 20 full time staff;
The Director	: the Director of the Aruban Department of Civil Aviation;
DCA	: the Department of Civil Aviation of Aruba.

BIJLAGE B

AANVULLINGEN JAR-OPS1

AUA - OPS 1.001 Applicability (See Appendix 1 to JAR-OPS 1.001)

(a) JAR-OPS 1 For Aruba prescribes requirements applicable to the operation of any civil aeroplane for the purpose of commercial air transportation by any operator whose principal place of business is in Aruba and that has been issued an economical authority in accordance with Article 13 of the Aviation Act of 1989 No. GT 58. JAR-OPS 1 does not apply to aeroplanes when used in military, customs and police services;
(b) The requirements in JAR-OPS Part 1 are applicable in Aruba as of the day after the date of publication of the Ministerial Decree for licensing and operation (Regeling vluchtuitvoering) in the official gazette of Aruba (Afkondigingsblad van Aruba) to all operators as stated in the Ministerial decree – Air Transport (Luchtvervoer);
(c) The requirements in JAR-OPS Part 1 are applicable to all operators in Aruba as of 1 January 1996;
(d) Throughout JAR-OPS 1 For Aruba, "JAA Member State" shall be read and interpretated as "JAA Member State or Aruba";
(e) Throughout JAR-OPS 1 For Aruba, "Authority" shall be read and interpretated as "Director of Civil Aviation".

Appendix 1 to AUA-OPS 1.001

Late compliance dates contained in JAR-OPS 1

Some of the provisions included in JAR-OPS 1 have dates of compliance, which are later than the applicability date of JAR-OPS 1. The provisions where this is the case,and the associated later dates of compliance, are as follows:

JAR-OPS	1.470	(f)	1 April 2000;
JAR-OPS	1.665	(a)(2)	1 April 1999;
JAR-OPS	1.665	(a)(3)	1 April 2001;
JAR-OPS	1.665	(a)(4)	1 April 2002;
JAR-OPS	1.780	(a)	1 April 2000;
JAR-OPS	1.805	(a)(2)	1 April 2000;
JAR-OPS	1.805	(c)(2)	1 April 2000.

AUA - OPS 1.025 Common Language

(a) An operator must ensure that all nominated post holders as mentioned in JAR-OPS 1.175(h) and (i) and all licenced personnel employed by the operator are able to demonstrate proper knowledge of the English language;
(b) An operator must ensure that all crew members can communicate in a common language;
(c) An operator must ensure that all required manuals are written and submitted in the Dutch or English language;
(d) An operator must ensure that all operations personnel are able to understand the language in which those parts of the Operations Manual which pertain to their duties and responsibilities are written.

AUA - OPS 1.145 Power to inspect

An operator shall ensure that any person authorised by the Authority is permitted at anytime to board and fly in any aeroplane operated in accordance with an AOC issued by that Authority and to enter and remain on the flight deck provided the person has properly identified himself.

AUA - OPS 1.165 Leasing

(a) Terminology
Terms used in this paragraph have the following meaning:
   (1) Dry lease - Is when the aeroplane is operated under the AOC of the lessee.
   (2) Wet lease - Is when the aeroplane is operated under the AOC of the lessor.
   (3) JAA operator - An operator certificated under JAR - OPS Part 1 by one of the JAA Member States;

(b) General
   (1) All leases require prior approval from the Authority.
   (2) Wet lease-in
   An Aruban operator shall not wet lease-in an aeroplane in any of the following situations:
      (i) If there is evidence that the State of lessor does not provide an adequate level of safety oversight;
      (ii) If the type and scope of operation intended under the lease differs significantly from the type and scope of operation the lessee is authorised by the Authority to conduct;
      (iii) If the intended lease is the sole operation of the lessee.
   (3) Wet lease-out
   An Aruban operator shall not wet lease-out an aeroplane for more than three consecutive months.

(c) Leasing of aeroplanes between Aruban operators, or Aruban operators and JAA operators
   (1) Wet lease-out
   An Aruban operator providing an eroplane and complete crew to another Aruban or JAA operator, and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the aeroplane.
   (2) All leases except wet lease-out
      (i) Except as provided by sub-paragraph (c)(1) above, an Aruban operator utilizing an aeroplane from, or providing it to, another Aruban or JAA operator, must obtain prior approval for the operation from his respective Authority. Any conditions which are part of this approval must be included in the lease agreement.
      (ii) Those elements of lease agreements which are approved by the Authority, other than lease agreements in which an aeroplane and complete crew are involved and no transfer of functions and responsibilities is intended, are all to be regarded, with respect to the leased aeroplane, as variations of the AOC under which the flights will be operated.

(d) Leasing of aeroplanes between an Aruban and any entity other than an Aruban or JAA operator
  (1) Dry lease-in
    (1) An Aruban operator shall not dry lease-in an aeroplane from an entity other than an Aruban or JAA operator, unless approved by the Authority. Any conditions which are part of this approval must be included in the lease agreement.
    (2) An Aruban operator shall ensure that, with regard to aeroplanes that are dry leased-in, any differences from the requirements prescribed in Subparts K, L, and/or JAR-26, are notified to and are acceptable to the Authority.
  (2) Wet lease-in
    (i) An Aruban operator shall not wet lease-in an aeroplane for more than 3 consecutive months within a 12 months period.
    (ii) A JAA or an Aruban operator shall ensure that, with regard to aeroplanes that are wet leased-in:
      (A) The safety standards of the lessor with respect to maintenance and operation are equivalent to JAR's;
      (B) The lessor is an operator holding an AOC issued by a State, which is a signatory to the Chicago Convention, that has a level of safety oversight acceptable to the Authority;
      (C) The aeroplane has a standard Certificate of Airworthiness issued in accordance with ICAO Annex 8. Standard Certificates of Airworthiness issued by a JAA Member State or a State with equivalent standard, acceptable to the authority, other than the State responsible for issuing the AOC, will be accepted when issued in accordance with JAR-21 or equivalent; and
      (D) Any Aruban requirement made applicable by the lessee's Authority is complied with.
  (3) Dry lease-out
    (i) An Aruban operator may dry lease-out an aeroplane for the purpose of commercial air transportation to any operator of a State which is signatory to the Chicago Convention, provided that the following conditions are met:
      (A) The Authority has exempted the Aruban operator from the relevant provisions of JAR - OPS Part 1 and, after the foreign regulatory authority has accepted responsibility in writing for surveillance of the maintenance and operation of the aeroplanes, has removed the aeroplane from its AOC; and
      (B) The aeroplane is maintained according to an approved maintenance programme.
  (4) Wet lease-out
  An Aruban operator providing an aeroplane and complete crew to another entity and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the aeroplane.

AUA-OPS 1.180 Issue, variation and continued validity of an AOC

(a) An operator will not be granted an AOC or a variation to an AOC, and that AOC will not remain valid unless:
   (1) Aeroplanes operated have a standard Certificate of Airworthiness issued in accordance with the Aruban Airworthiness code;
   (2) The maintenance system has been approved by the Authority in accordance with Subpart M; and
   (3) He has satisfied the Authority that he has the ability to:
      (iv) Establish and maintain an adequate organization;
      (v) Establish and maintain a quality system in accordance with JAR-OPS 1.035;
      (vi) Comply with the required training programmes;
      (vii) Comply with the maintenance requirements, consistent with the nature and extent of the operations specified, including the relevant items described in JAR-OPS 1.175 (g) to (o); and
      (viii) Comply with JAR-OPS 1.175.
   (4) He has at least one aircraft operating under the AOC and under operational control of the operator.

(b) Notwithstanding the provisions of JAR-OPS 1,185(f), the operator must notify the Authority as soon as practicable of any changes to the information submitted in accordance with JAR-OPS 1.185 (a).

(c) If the Authority is not satisfied that the requirements of subparagraph (a) above have been met, the Authority may require the conduct of one or more demonstration flights, operated as if they were commercial air transport flights.

Appendix 2 to AUA-OPS 1.175
The management and organisation of an AOC holder

(a) General
   (1) An operator must have a sound and effective management structure in order to ensure the safe conduct of air operations. Nominated post holders must have proven competency in civil aviation.
   (2) In the context of this appendix, 'competency' means that an individual must have a technical qualification and managerial experience acceptable to the Authority, as appropriate.

(b) Nominated post holders
   (1) A description of the functions and the responsibilities of the nominated post holders, including their names, must be contained in the Operations Manual and the Authority must be given notice in writing of any intended or actual change in appointments or functions.
   (2) The operator must make arrangements to ensure continuity of supervision in the absence of nominated post holders.
   (3) The operator must satisfy the Authority that the management organisation is suitable and properly matched to the operating network and scale of operation.
   (4) A person nominated as a post holder by the holder of an AOC must not be nominated as a post holder of any other AOC,

unless acceptable to the Authority. Nominated post holders must be contracted to work sufficient hours such that the individual can fulfil the management functions associated with the size and scope of the operator’s business.

(5) More than one of the nominated posts may be filled by one person if acceptable to the Authority.

(6) All Management personnel required by JAR-OPS 1 subpart C shall establish their primary place of residence in Aruba and demonstrate sufficient presence to assume continuity of their responsibilities.

Note: The requirements relating to the appointment of the nominated post holder responsible for the maintenance system in accordance with JAR-OPS 1.175(i)(2) are prescribed in JAR-OPS 1.895.

c) Adequacy and supervision of staff

(1) Crew members
The operator must employ sufficient flight and cabin crew for the planned operation, trained and checked in accordance with Subpart N and Subpart O as appropriate.

(2) Ground staff

(i) The number of ground staff is dependent upon the nature and the scale of operations. Operations and ground handling departments, in particular, must be staffed by trained personnel who have a thorough understanding of their responsibilities within the organization.

(ii) An operator contracting other organizations to provide certain services, retains responsibility for the maintenance of proper standards. In such circumstances, a nominated post holder must be given the task of ensuring that any contractor employed meets the required standard.

(3) Supervision

(i) The numbers of supervisors to be appointed is dependent upon the structure of the operator and the number of staff employed. The duties and responsibilities of these supervisors must be defined, and any flying commitments arranged so that they can discharge their supervisory responsibilities.

(ii) The supervision of all crew members must be exercised by individuals possessing experience and personal qualities sufficient to ensure the attainment of the standards specified in the Operations Manual.

(d) Accommodation facilities

(1) An operator must ensure that working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations. Consideration must be given to the needs of ground staff, those concerned with operational control, the storage and display of essential records, and flight planning by crews.

(2) Office services must be capable, without delay, of distributing operational instructions and other information to all concerned.

(e) Documentation

The operator must make arrangements for the production of manuals, amendments and other documentation.

AUA - OPS 1.320 Seats, safety belts and harnesses

(a) Crew members
  (1) During take-off and landing, and whenever deemed necessary by the commander in the interest of safety, each crew member shall be properly secured by all safety belts and harnesses provided;
  (2) During other phases of the flight each flight crew member on the flight deck shall keep his safety belt fastened while at his station.

(b) Passengers
  (1) Before take-off and landing, and during taxying, and whenever deemed necessary in the interest of safety, the commander shall ensure that each passenger on board occupies a seat or berth with his safety belt, or harness where provided, properly secured.
  (2) An operator shall make provision for, and the commander shall ensure that multiple occupancy of aeroplane seats may only be allowed on specifies seats and does not occur other than by one adult and one infant who is properly secured by a supplementary loop belt or other restraint device.

(c) Cockpit observer seat
  (1) Except as provided in paragraph (3) of this section, each operator shall make available a seat on the flight deck of each aeroplane for occupancy by the Authority while conducting en route inspections. The location and equipment of the seat, with respect to its suitability for use in conducting en route inspections, is determined by the Authority.
  (2) In each aeroplane that has more than one observer seat, in addition to the seats required for the crew complement for which the aeroplane was certificated, the observer seat selected by the Authority must be made available when complying with paragraph (a) above.
  (3) For any aeroplane type certificated before December 20, 1995 for not more than 30 passengers that does not have an observers seat on the flight deck, the operator must provide a forward passenger seat with headset or speaker for occupancy by the Authority. The cockpit door, if required, may remain open during such inspections.

AUA-OPS 1.620 subpart (f)

(f) Mass values for baggage
  (1) Where the total number of passengers seats available on the aeroplane is 20 or more the standard mass values given in Table 3 are applicable for each piece of checked baggage. For aeroplanes with 19 passenger seats or less, the actual mass of checked baggage, determined by weighing, must be used.
  (2) For the purpose of Table 3:
    (iii) Domestic flights means flights with origin and destination within the borders of Aruba, Curacao or Bon-

aire;

(iv) Flights within the Caribbean Region means flights, other than Domestic flights, whose origin and destination are within the area specified in Aruba Appendix 1 to JAR-OPS 1.620(f); and

(v) Intercontinental flights, other than flights within the Caribbean region, means flights with origin and destination in different continents.

AUA- Appendix 1 to JAR-OPS 1.620(f)
Definition of the area for flights within the Caribbean region

For the purpose of JAR-OPS 1.620(f), flights within the Caribbean region, other than

domestic flights, are flights conducted within the area, bounded by rhumb-lines between
the following points
N3000 W07500
N3000 W08500
N0800 W08500
N0400 W06000
N0400 W05900
N0200 W05900

as depicted in Figure I below:



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AUA - OPS 1.660 Altitude alerting system

(a) After 1 April 2002 an operator shall not operate a turbine propeller powered aeroplane with a maximum certificated take-off mass in excess of 5700 kg or having a maximum approved passenger seating configuration of more than 9 seats or a turbojet powered aeroplane unless it is equipped with an altitude alerting system capable of:

(1) Alerting the flight crew upon approaching a pre-selected

altitude; and
(2) Alerting the flight crew by at least an aural signal, when deviating from a pre-selected altitude,

(b) Before 1 April 2002 an operator shall not operate a turbine propeller powered aeroplane with a maximum certificated take-off mass in excess of 5700 kg or having a maximum approved passenger seating configuration of more than 169 seats or a turbojet powered aeroplane unless it is equipped with an altitude alerting system capable of:
(1) Alerting the flight crew upon approaching a preselected altitude; and
(2) Alerting the flight crew by at least an aural signal, when deviating from a preselected altitude, except for aeroplanes with a maximum certificated take-off mass of 5700 kg or less having a maximum approved passenger seating configuration of more than 9 and first issued with an individual certificate of airworthiness in a JAA Member State or elsewhere before 1 April 1972 and already registered in a JAA Member State or Aruba on 1 April 1995.

AUA-OPS 1.875 General (See IEM OPS 1.875)

(a) An operator shall not operate an aeroplane unless it is maintained and released to service by:
(1) An organisation appropriately approved by the Authority in accordance with AUA-RLW, or
(2) An organisation accepted by the Authority and approved/accepted in accordance with JAR-145, except that pre-flight inspections need not necessarily be carried out by such organisation.

(b) This Subpart prescribes aeroplane maintenance requirements needed to comply with the operator certification requirements in JAR-OPS 1.180.

AUA-OPS 1.1040 General rules for operation Manuals

(a) An operator shall ensure that the Operations Manual contains all instructions and information necessary for operations personnel to perform their duties.

(b) An operator shall ensure that the contents of the Operations Manual, including all amendments or revisions, do not contravene the conditions contained in the Air Operator Certificate (AOC) or any applicable regulations and must be acceptable to, or, where applicable, approved by the Authority. (See IEM OPS 1.1040(b).)

(c) An operator must prepare the Operations Manual in the English language. In addition, an operator may translate and use that manual, or parts thereof, into another language. (See IEM OPS 1.1040(c).)

(d) Should it become necessary for an operator to produce new Operations Manualsor major parts or volumes thereof, he must comply with sub-paragraphabove.

(e) An operator may issue an Operations Manual in separate volumes.

(f) An operator shall ensure that all operations personnel have easy access to a copy of each part of the Operations Manual which is relevant to their duties. In addition, the operator shall supply crew members with a personal copy of, or sections from, Parts A and B of the Operations Manual as are relevant for personal study.

(g) An operator shall ensure that the Operations Manual is amended or revised so that the instructions and information contained therein are kept up to date. The operator shall ensure that all operations personnel are made aware of such changes that are relevant to their duties.

(h) Each holder of an Operations Manual, or appropriate parts of it, shall keep it up to date with the amendments or revisions supplied by the operator.

(i) An operator shall supply the Authority with intended amendments and revisions in advance of the effective date. When the amendment concerns any part of the Operations Manual which must be approved in accordance with JAR-OPS, this approval shall be obtained before the amendment becomes effective. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that any approval required has been applied for.

(j) An operator shall incorporate all amendments and revisions required by the Authority.

(k) An operator must ensure that information taken from approved documents; and any amendment of such approved documentation, is correctly reflected in the Operations Manual and that the Operations Manual contains no information contrary to any approved documentation. However, this requirement does not prevent an operator from using more conservative data and procedures.

(l) An operator must ensure that the contents of the Operations Manual are presented in a form in which they can be used without difficulty.

(m) An operator may be permitted by the Authority to present the Operations Manual or parts thereof in a form other than on printed paper. In such cases, an acceptable level of accessibility, usability and reliability must be assured.

(n) The use of an abridged form of the Operations Manual does not exempt the operator from the requirements of JAR-OPS 1.130.

AUA-OPS 1.1070 General

This Subpart applies in relation to any aeroplane registered in Aruba which is either:
(a) engaged on a flight for the purpose of public transport; or
(b) operated by an air transport undertaking:

AUA-OPS 1.1075 Definitions

In this Subpart, the following expressions shall, except where the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say:

(a) "flight time", in relation to any person, means all time spent by that person in an aeroplane whether or not registered in Aruba while it is in flight and he is carried therein as a member of the crew thereof;
(b) "day" means a continuous period of 24 hours beginning at midnight Greenwich Mean Time.

AUA-OPS 1.1080 Operator's Responsibilities

(a) The operator of an aeroplane to which this Subpart applies shall not cause or permit that aeroplane to make a flight unless:
    (1) he has established a scheme for the regulation of flight times for every person flying in that aeroplane as a member of its rew (see AMC-OPS-1.1080);
    (2) the scheme is approved by the Authority subject to such conditions as it thinks fit;
    (3) the scheme is incorporated in the operations manual required by this JAR-OPS 1.1045;
    (4) the scheme is available to every person flying in that aeroplane as a member of its crew;
    (5) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aeroplane as a member of its crew.

(b) The operator of an aeroplane to which this Subpart applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that that person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aeroplane or itsoccupants.

(c) The operator of an aeroplane to which this Subpart applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:
    (1) all his flight times; and
    (2) brief particulars of the nature of the functions performed by him in the course of his flight times.

(d) The record referred to in paragraph (c) of this paragraph shall be preserved by the operator of the aeroplane in accordance with JAR-OPS 1.1065.

AUA-OPS 1.1085 Responsibilities of Crew

(a) A person shall not act as a member of the crew of an aeroplane to which this Subpart applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aeroplane or its occupants.

(b) A person shall not act as a member of the flight crew of an aeroplane to which this Subpart applies unless he has ensured that the operator of the aeroplane is aware of his flight times during the period of 30 days preceding the flight.

AUA-OPS 1.1090 Flight Times Limitations

A person shall not act as a member of the flight crew of an aeroplane registered in
Aruba if at the beginning of the flight the aggregate of all his previous flight times:

(a) during the period of 30 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours: or
(b) during the period of 12 months expiring at the end of the previous month exceeds 1000 hours:
Provided that this Subpart shall not apply to a flight made in an aeroplane not flying for the purpose of public transport nor operated by an air transportundertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Authority within 25 hours of the intended flight.

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AUA - OPS 3.001 Applicability
(See Appendix 1 to JAR-OPS 3.001)

(a) JAR-OPS Part 3 prescribes requirements applicable to the operation of anycivil helicopter for the purpose of commercial air transportation by any operatorwhose principal place of business is in a JAA Member State or Aruba. JAR-OPS 3 does not apply to helicopters when used in military, customs and police services.

(b) The requirements in JAR-OPS Part 3 are applicable as of 1 January 1996 unless otherwise indicated.

AUA - OPS 3.165 Leasing

(a) Terminology
Terms used in this paragraph have the following meaning:
  (1) Dry lease - Is when the helicopter is operated under the AOC of the lessee.
  (2) Wet lease - Is when the helicopter is operated under the AOC of the lessor.
  (3) JAA operator - An operator certificated under JAR - OPS Part 3 by one of the JAA Member States.

(b) General
  (1) All leases require prior approval from the Authority.
  (2) Wet lease-in An Aruban operator shall not wet lease-in an aeroplane in any of the following situations:
    (i) If there is evidence that the State of lessor does not provide an adequate level of safety oversight;
    (ii) If the type and scope of operation intended under the lease differs significantly from the type and scope of operation the lessee is authorised by the Authority to conduct;
    (iii) If the intended lease is the sole operation of the lessee.
  (3) Wet lease-out
  An Aruban operator shall not wet lease-out an aeroplane for more than three consecutive months.

(cb) Leasing of helicopters between Aruban and JAA operators
  (1) Wet lease-out
  An Aruban or JAA operator providing a helicopter and complete crew to another Aruban or JAA operator, and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the helicopter.
  (2) All leases except wet lease-out
    (i) Except as provided by sub-paragraph (b)(1) above, an Aruban or JAA operator utilizing a helicopter from, or providing it to, another Aruban or JAA operator, must obtain prior approval for the operation from his respective Authority. Any conditions which are part of this approval must be included in the lease agree-

ment.

(ii) Those elements of lease agreements which are approved by the Authority, other than lease agreements in which a helicopter and complete crew are involved and no transfer of functions and responsibilities is intended, are all to be regarded, with respect to the leased helicopter, as variations of the AOC under which the flights will be operated.

(dc) Leasing of helicopters between an Aruban or JAA operator and any entity other than an Aruban or JAA operator

(1) Dry lease-in

(i) An Aruban or JAA operator shall not dry lease-in a helicopter from an entity other than an Aruban or JAA operator, unless approved by the Authority. Any conditions which are part of this approval must be included in the lease agreement.

(ii) An Aruban or JAA operator shall ensure that, with regard to helicopters that are dry leased-in, any differences from the requirements prescribed in Subparts K, L, or JAR-26, are notified to and are acceptable to the Authority.

(2) Wet lease-in

(i) An Aruban or JAA operator shall not wet lease-in a helicopter for more than 3 consecutive months in any 12 consecutive months from an entity other than a Aruban or JAA operator without the approval of the Authority.

(ii) A JAA or Aruban operator shall ensure that, with regard to helicopters that are wet leased-in:

(A) The safety standards of the lessor with respect to maintenance and operation are equivalent to JARS;

(B) The lessor is an operator holding an AOC issued by a State which is a signatory to the Chicago Convention;

(C) The helicopter has a standard Certificate of Airworthiness issued in accordance with ICAO Annex 8. Standard Certificates of Airworthiness issued by a JAA Member State or a State with equivalent standard, acceptable to the authority, other than the State responsible for issuing the AOC, will be accepted when issued in accordance with JAR-21 or equivalent; and

(D) Any Aruban requirement made applicable by the lessee's Authority is complied with.

(3) Dry lease-out

(i) An Aruban operator may dry lease-out a helicopter for the purpose of commercial air transportation to any operator of a State which is signatory to the Chicago Convention provided that the following conditions are met:

(A) The Authority has exempted the Aruban operator from the relevant provisions of JAR-OPS Part 3 and, after the foreign regulatory authority has accepted responsibility in writing for surveillance of the maintenance and operation of the helicopters, has removed the helicopter from its

AOC; and
(B) The helicopter is maintained according to an approved maintenance programme.
(4) Wet lease-out
An Aruban operator providing a helicopter and complete crew to another entity and retaining all the functions and responsibilities prescribed in Subpart C, shall remain the operator of the helicopter.

AUA OPS 3.180 Issue, variation and continued validity of an AOC

(a) An operator will not be granted an AOC, or a variation to an AOC, and that
AOC will not remain valid unless:
(1) Helicopters operated have a standard Certificate of Airworthiness, issued in accordance with ICAO Annex 8 by a JAA Member State or a State with equivalent standard, acceptable to the Authority; Standard Certificates of Airworthiness Issued by a JAA Member State other than the State responsible for issuing the AOC, will be accepted when issued in accordance with JAR-21 or equivalent;
(2) The maintenance system has been approved by the Authority in accordance with Subpart M; and
(3) He has satisfied the Authority that he has the ability to:
(i) Establish and maintain an adequate organisation;
(ii) Establish and maintain a quality system in accordance with JAR- OPS 3.035;
(iii) Comply with required training programmes;
(iv) Comply with maintenance requirements, consistent with the nature and extent of the operations specified, including the relevant items prescribed in JAR- OPS 3.175(g) to (o); and
(v) Comply with JAR-OPS 3.175.

(b) Notwithstanding the provisions of JAR-OPS 3.185(f), the operator must notify the Authority as soon as practicable of any changes to the information submitted in accordance with subparagraph (a) above.

(c) If the Authority is not satisfied that the requirements of subparagraph (a) above have been met, the Authority may require the conduct of one or more demonstration flights, operated as if they were commercial air transport flights.

AUA-OPS 3.940 Composition of flight crew
(See Appendix 1 to AUA-OPS 3.940)

(a) An operator shall ensure that:
(1) The composition of the flight crew and the number of flight crew members at designated crew stations are both in compliance with, and no less than the minimum, specified in the Aeroplane Flight Manual;
(2) The flight crew includes additional flight crew members when required by type of operation, and is not reduced below the number, specified in the Operations Manual;
(3) All flight crew members hold an applicable and valid license acceptable to the Authority and are suitably qualified and competent to conduct the duties assigned to them;

(4) Procedures are established acceptable to the Authority, to prevent the crewing together of inexperienced flight crew members; and
(5) One pilot amongst the flight crew is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot.

(b) Pilots. An operator shall ensure that:
(1) Commanders and co-pilots on an IFR-flight hold a valid instrument rating;
(2) For IFR-operations using helicopters with a maximum approved passenger seating configuration of more than 9:
(i) The minimum flight crew is two qualified pilots, and
(ii) The commander holds a valid Airline Transport pilot's Licence (Helicopter) (ATPL(H));
(3) For operations using helicopters with a maximum approved passenger seating configuration of more than 19:
(i) The minimum flight crew is two qualified pilots;
(ii) The commander holds a valid Airline Transport Pilot's Licence (Helicopter (ATPL(H)).

(c) Helicopters not covered by sub-paragraph (b)(2) above may be operated by a single pilot, except by night or under IFR.

Appendix 1 to AUA-OPS 3.940

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AUA-OPS 3.1070 General

This Subpart applies in relation to any helicopter registered in Aruba which is either:
(a) engaged on a flight for the purpose of public transport; or
(b) operated by an air transport undertaking:

AUA-OPS 3.1075 Definitions

In this Subpart, the following expressions shall, except where the context otherwise
requires, have the meanings hereby respectively assigned to them, that is to say:
(a) "flight time", in relation to any person, means all time spent by that personin a helicopter whether or not registered in Aruba while it is in flight and he iscarried therein as a member of the crew thereof;
(b) "day" means a continuous period of 24 hours beginning at midnight Greenwich Mean Time.
For the purpose of this Subpart, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

AUA-OPS 3.1080 Operator's Responsibilities

(a) The operator of a helicopter to which this Subpart applies shall not cause or permit that helicopter to make a flight unless:
(1) he has established a scheme for the regulation of flight times for every person flying in that helicopter as a member of its crew (see AMC-OPS 1.1080);

(2) the scheme is approved by the Authority subject to such conditions as it thinks fit;
(3) the scheme is incorporated in the operations manual required by this JAR-OPS 1.1045;
(4) the scheme is available to every person flying in that helicopter as a member of its crew;
(5) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that helicopter as a member of its crew.

(b) The operator of a helicopter to which this Subpart applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that that person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the helicopter or its occupants.

(c) The operator of a helicopter to which this Subpart applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:
(1) all his flight times; and
(2) brief particulars of the nature of the functions performed by him in the course of his flight times.

(d) The record referred to in paragraph (c) of this paragraph shall be preserved by the operator of the helicopter in accordance with JAR-OPS 1.1065.

AUA-OPS 3.1085 Responsibilities of Crew

(a) A person shall not act as a member of the crew of a helicopter to which this Subpart applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the helicopter or its occupants.

(b) A person shall not act as a member of the flight crew of a helicopter to which this Subpart applies unless he has ensured that the operator of the helicopter is aware of his flight times during the period of 30 days preceding the flight.

AUA-OPS 3.1090 Flight Times Limitations

A person shall not act as a member of the flight crew of a helicopter registered in Aruba if at the beginning of the flight the aggregate of all his previous flight times:
(a) during the period of 30 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours: or
(b) during the period of 12 months expiring at the end of the previous month exceeds 1000 hours:
Provided that this Subpart shall not apply to a flight made in a helicopter not flying for the purpose of public transport nor operated by an air transport undertaking, if at the time when the flight begins the aggregate of all the flight times of the afore-

said person since he was last medically examined and found fit by a person approved by the Authority within 25 hours of the intended flight.